

EMPLOYMENT

Agreement Between the UNITED STATES OF AMERICA and AZERBAIJAN

Effectuated by Exchange of Notes
Dated at Washington February 10
and March 8, 1995



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

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AZERBAIJAN

Employment

*Agreement effected by exchange of notes
Dated at Washington February 10 and March 8, 1995;
Entered into force March 8, 1995.*

The Embassy of Azerbaijan to the Department of State

Embassy of the Republic of Azerbaijan

February 10, 1995

The Embassy of the Republic of Azerbaijan presents its compliments to the Department of State and has the honor to propose a bilateral work agreement for its consideration.

The Embassy of the Republic of Azerbaijan proposes to the Department of State that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Azerbaijan and dependents of employees of the Azerbaijani Government assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purposes of this agreement,

“Dependents” shall include:

Spouses;

Unmarried dependent children under 21 years of age;

Unmarried dependent children under 23 years of age who are in full-time attendance as students at a post- secondary educational institution; and

Unmarried children who are physically or mentally disabled.

For the purposes of this agreement, it is understood that employees assigned to official duty include diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and missions to international organizations.

In the case of dependents who seek employment in the United States, an official request shall be made by the Embassy of the Republic of Azerbaijan in Washington to the Office of Protocol in the Department of State. Upon verification that the person is a dependent of an official employee of the Azerbaijani Government, the Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

In the case of dependents of employees who seek employment in Azerbaijan, an official request shall be made by the United States Embassy in Baku to the Min-

istry of Foreign Affairs of Azerbaijan, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

The Azerbaijani Government and the U.S. Government wish to clarify their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or in accordance with the Convention on the Privileges and Immunities of the United Nations,¹ or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

The Embassy of the Republic of Azerbaijan further proposes that, if these understandings are acceptable to the Government of the United States, this note and the United States Government's reply concurring therein shall constitute an agreement between our two governments which shall enter into force on the date of that reply note. This agreement shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

The Embassy of the Republic of Azerbaijan avails itself of the opportunity to renew to the Department of State the assurances of its highest consideration.

Department of State
2201 C Street, N.W.
Washington, D.C. 20520

¹ TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

The Department of State to the Embassy of Azerbaijan

The Department of State acknowledges receipt of note dated February 10, 1995, from the Embassy of the Republic of Azerbaijan and wishes to inform the Embassy that the Government of the United States of America concurs that dependents of members of Azerbaijani diplomatic and consular posts and missions to international organizations in the United States and dependents of members of United States diplomatic and consular posts and missions to international organizations in Azerbaijan, be authorized to work in the receiving country, in accordance with the proposal contained in the aforementioned note which reads as follows:

[For text of the Azerbaijani note, see pp. 2-3.]

The Department of State is pleased to confirm that the Embassy's note and this note in reply constitutes an agreement which shall enter into force on today's date. The Embassy of the Republic of Azerbaijan may now submit dependent employment requests to the Office of Protocol in accordance with the procedure set forth in the attached circular diplomatic note dated April 10, 1991,¹ and applicable INS regulations.

Kendall B. Montgomery

Attachment:

As stated.

Department of State,

Washington, March 8, 1995

¹ Not printed.